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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ROSE, KERRI M

ART UNIT

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2416

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/534,629	<b>Applicant(s)</b> DELEU ET AL.	
	<b>Examiner</b> KERRI M. ROSE	<b>Art Unit</b> 2416	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Bhatia et al. (US 6,029,203).

3. In regards to claim 1, Bhatia discloses a router or bridge device (Fig. 1 element 300 is an ISDN modem with internal router.) comprising:

a. Means for connection to a first network (Fig. 1 discloses the modem is connected to local workstations [network], 10, a PSTN, 50, and remote networks, 60 and 70.) and

b. Means for connection to a second network (Fig. 1 discloses the modem is connected to local workstations [network], 10, a PSTN, 50, and remote networks, 60 and 70);

c. An application for selecting configuration parameters (Fig. 4a discloses an application 4020.), wherein the application applies a template for presenting parameters to a user (Fig. 9a-c discloses the application uses a template to help the user configure the modem.), said template being uploadable to said device (Fig. 28 discloses a process for uploading or creating template files from the web server. The new files are stored in modem memory, 370, as disclosed in fig. 29).

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4. In regards to claim 2, Bhatia discloses a device according to claim 1, comprising a plurality of templates (Col. 25 lines 13-37 and fig. 3.396 disclose memory storing a database, 416, which includes a plurality of templates.).

5. In regards to claim 3, Bhatia discloses a device according to claim 2, wherein the application comprises means for generating a template selection display to a user (Col. 25 lines 8-28 disclose presenting a selection display to a user.).

6. In regards to claim 4, Bhatia discloses a device according to claim 2, wherein the application comprises means for loading a template from at least one of (use of alternative language means only one of the following needs to be taught by Bhatia): a host device connected to the second network, a server connected to the first network (Fig. 28 discloses a process for uploading or creating template files from the web server. The new files are stored in modem memory, 370, as disclosed in fig. 29.).

7. In regards to claim 5, Bhatia discloses a device according to claim 1, wherein said application is a web server provided with means for generating pages for display on a remote display (Col. 24 lines 16-22 discloses using a webpage displayed on a host device browser and web server to access the configuration tool.).

8. In regards to claim 6, Bhatia discloses a device according to claim 5, wherein said display is part of a host device comprising a browser for accessing the pages and for interacting with a user for selection of the configuration parameters (Col. 24 lines 16-22 discloses using a webpage displayed on a host device browser and web server to access the configuration tool.).

9. In regards to claim 7, Bhatia discloses a device according to claim 1, wherein the application is adapted to generate at least one configuration file based on at least one template

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(Fig. 22 discloses dynamic configuration of an ISP wizard. Fig. 24 illustrates an example ISP wizard.).

10. In regards to claim 8, Bhatia discloses a device according to claim 7, comprising a factory default configuration (Col. 24 line 29 discloses the modem has a factory default.).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia et al. (US 6,029,203) in view of Polit et al. (US 6,407,998).

13. In regards to claim 9, Bhatia discloses a device according to claim 7, but is silent comprising a configuration predetermined by an Internet service provider.

Polit discloses a service provider may transmit configuration data in step 710 of fig. 7.

It would have been obvious to one of ordinary skill in the art at the time of the invention to receive data from an ISP, as taught by Polit, to configure the device, as taught by Bhatia because doing so allows for more generic equipment that may be personalized by the end user, as taught by Polit in column 1 lines 15-55.

14. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia et al. (US 6,029,203) in view of Polit et al. (US 6,407,998) further in view of known prior art.

15. In regards to claim 10, Bhatia and Polit disclose a device according to claim 9, wherein a priority is established between a user configuration, an internet service provider configuration

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and a factory default configuration (Polit discloses that information may be received from an ISP, an user, and a factory default in fig. 7 step 710. Col. 8 lines 28-31 discloses there is a priority order.) and wherein a parameter required by device software not found in one configuration is taken from a lower priority configuration (Polit discloses in col. 8 lines 28-31 that the configuration information may be a combination of information received from all sources.).

Bhatia and Polit disclose a hierarchy of information from the ISP, user, and default, but do not disclose if the hierarchy places the most importance on information from the user and the least importance on default information.

Polit teaches three sources for configuration information and teaches there is a priority among the sources. Regardless of which source has a higher priority the outcome is predictable. In other words information from the highest priority source will outweigh and overwrite any information provided from a lower priority source.

**Official Notice is taken** that it would have been obvious to one of ordinary skill in the art at the time of the invention to give the order of priority as user, isp, default information, as was known in the art, in the configuration device taught by Bhatia and Polit because such an ordering was obvious to try and one of a limited number of options.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KERRI M. ROSE whose telephone number is (571) 272-0542. The examiner can normally be reached on Monday through Thursday, 7:00 am - 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung MOE can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/  
Supervisory Patent Examiner, Art Unit 2416

/Kerri M Rose/  
Examiner, Art Unit 2416